

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,	:	Case No. 3:12-cr-37-4
Plaintiff,	:	Judge Timothy S. Black
vs.	:	
OMAR S. YAHYA,	:	
Defendant.	:	

NOTICE OF CHANGE OF PLEA HEARING

This case came before the Court for a status conference on September 26, 2012 at 12:30 p.m. Attorneys Dwight Keller and Nicholas Gounaris participated. Defendant notified the Court that the parties have reached a plea agreement and the Defendant made an oral motion requesting a change of plea hearing. Accordingly, a change of plea hearing is set for October 11, 2012 at 3:00 p.m. in Dayton Courtroom #3.

“A notice of change of plea is a motion requiring a hearing, and as a result, the time from the filing of the notice of hearing through the conclusion of the plea hearing is excludable” from speedy trial calculation. *United States v. Moss*, 211 F.3d 1271 (6th Cir. 2000) (citing *United States v. Jenkins*, 92 F.3d 430, 440 (6th Cir. 1996) (stating that “defendant’s notice of intent to change plea tolls clock”)); *see also United States v. Mentz*, 840 F.2d 315, 330-32 (6th Cir. 1988); *Coviello v. United States*, 287 Fed. Appx. 503, 507 (6th Cir. 2008); *United States v. Beals*, 755 F.Supp.2d 757, 763 (S.D. Miss. Nov. 8, 2010) (stating that “[a] change of plea is treated like a motion for Speedy Trial Act purposes, and since a hearing is required for the court to take a change of plea, the speedy trial clock is tolled from the date the court is notified of the change of plea at least until the date of the hearing”). Accordingly, the time between September 26, 2012 and October 11, 2012 is excluded from the time period set forth in 18 U.S.C. § 3161 within which the United States must bring Defendant to trial.

IT IS SO ORDERED.

Date: 10/1/2012

s/ Timothy S. Black
Timothy S. Black
United States District Judge